

**Appl. No. 10/532,625
Amdt. dated June 11, 2009
Reply to Office Action of April 2, 2009**

Amendments to the Drawings:

The attached sheets of drawings include changes to Fig. 5 and Fig. 6. Replacement sheet 3/4, which includes Figs. 4 and 5, replaces the original sheet including Figs. 4 and 5. In Figure 5, the outputs of block 502 have been labeled and the direction of the arrow between blocks 502 and 506 corrected.

Replacement sheet 4/4, which includes Figs. 6 and 7, replaces the original sheet including Figs. 6 and 7. In Figure 6, the outputs of blocks 602 and 606 have been labeled.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Applicant has received the Office Action dated April 2, 2009, in which the Examiner: **1)** objected to Figures 5 and 6; **2)** objected to claims 1, 11, 12, ,18, 28, 35, and 36 for use of the word “should;” **3)** objected to claims 10 and 17¹ for use of the recitation “may be;” **4)** objected to “several claims, starting with claim 4” for use of the recitation “adapted for”; **5)** rejected claims 1, 2, 4-6, 10-14, 18, 19, 21,23, 27-31, 35, and 36 under 35 U.S.C. § 103 as being allegedly obvious over Iyer, et al. (U.S. Pat. Pub. 2004/0088418, hereinafter “Iyer”); and **6)** rejected claims 3, 7-9, 15-17, 20, 24-26, and 32-34 under 35 U.S.C. § 103 as being allegedly obvious over Iyer in view of Lau et al. (U.S. Pat. Pub. 2003/0046604, hereinafter “Lau”) or Vasavada, et al. (U.S. Pat. Pub. 2004/0078619, hereinafter “Vasavada”).

With this Response, Applicant has amended Figures 5-6 and claims 1-2, 4-6, 8-12, 15-19, 27-31 and 33-36. With these amendments and the arguments below Applicant respectfully submits that all claims are in condition for allowance.

I. OBJECTIONS TO THE DRAWINGS

Figures 5 and 6 have been amended. Figure 5 has been amended to add labeling to block 502, and the arrow between blocks 502 and 506 has been reversed. Figure 6 has been amended to add labeling to blocks 602 and 606. Applicant respectfully requests that the objection to Figures 5 and 6 be withdrawn.

II. OBJECTIONS TO THE CLAIMS

The recitation “should be” in claims 1, 11, 12, 18, 28, 35, and 36 has been changed to “is to be.”

The recitation “may be” in claims 10 and 27 has been changed to “is potentially.” Support for this amendment can be found at least at p. 12, lines 23-25.

¹ Applicant assumes the Examiner intended to reject claim 27 rather than claim 17 as claim 17 does not include the recitation “may be.”

The recitation “adapted for” in claims 4-6, 8-9, 12, 15-17, 29-31, and 33-34 has been changed. In claims 4 and 15, the recitation “adapted for use” has been changed to “used.” In claim 5, the recitation “is adapted for obtaining” has been changed to “obtains.” In claims 6, 8, and 9, the recitation “is adapted for appending” has been changed to “appends.” In claim 12, the recitation “is adapted for determining” has been changed to “determines.” In claims 16 and 17, the recitation “is adapted for restoring” has been changed to “restores.” In claims 29-31, and 33-34, the recitation “adapted for” has been changed to “configured for.”

In light of these amendments, Applicant respectfully requests that the objections to the claims be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103 OVER IYER

Independent claim 1 has been amended. In addition to the replacement of the term “should” explained above, amendments require the operations of the method be performed by a computing device, provision of “the outgoing message from an application to a layer of the protocol stack,” and “the outgoing message is destined for an application on a destination node.” Support for performance by a computing device can be found at least at p. 12, lines 32-34 of the specification. Support for “providing the outgoing message from an application to a layer of the protocol stack, the outgoing message is destined for an application on a destination node” can be found at least at page 9, line 17, and p. 8, lines 22-25 of the specification.

Iyer fails to teach or even suggest an application provides a message to a layer of the protocol stack and the protocol stack layer adds layer context to the message. Instead, Iyer teaches an application sets socket options that instruct a socket to establish a redundant socket. (Iyer, ¶ [0044]). The socket layer 415 sends a message with the socket parameters to the standby socket layer 430 instructing it to create the socket. (Iyer, ¶ [0044]). The socket 415 does not add layer context to the outgoing message provided by the application because there is no outgoing message provided by the application.

Claim 1 also requires “such that a response to the message contains the context information.” The Examiner admits that Iyer fails to teach these limitations (Office Action, p. 4). The Examiner cites Iyer ¶ [0045], [0072] as allegedly teaching “a response.” However, Iyer teaches a response from the socket 415 to the application 405. Claim 1 has been amended to clarify that “the response is received from the destination node.” Support for this amendment can be found at least at page 10, lines 1-3 of the specification. Moreover, the Iyer cookie only identifies the socket. (Iyer ¶ [0044]). Iyer fails to teach or even suggest that the cookie includes context information, and one skilled in the computer arts would not understand a cookie that identifies a socket to include layer context information. Furthermore, the Examiner alleges that it would have been obvious for one skilled in the art to include the cookie in the response in order to associate the active and standby sides. However, the response is from the socket layer 415 to the application 405 and the association is completed by the application 420 executing a set socket operation. (Iyer ¶ [0045]). Therefore including the cookie in the response cannot perform the association suggested by the Examiner.

For at least these reasons, Applicant respectfully submits that independent claim 1 and claims 2, 4-6, and 10, which depend from claim 1, are allowable over the cited art.

Claim 2 has been amended to recite “further comprising adding context information obtained from a different protocol stack layer to the outgoing message.” Support for the amendment can be found at least in Figure 4 of the specification. Claim 19 has been amended to include similar limitations. None of the cited art teaches or even suggests adding context from multiple protocol stack layers to the message.

Claim 10 has been amended to require “adding, to the message, an indication associated with the obtained context data where it is determined that the context data is potentially inaccurate or incomplete.” Support for the amendment can be found at least at p. 12, lines 23-25 of the specification. The

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Examiner cites Iyer ¶ [0065] as allegedly teaching these limitations. The cited location teaches actions taken when standby is removed, including marking sockets non-redundant and sending messages to the application. None of these is associated with the obtained context data or a determination of the obtained context data's potential inaccuracy. Moreover, there is no teaching or suggestion that any indication of potential inaccuracy is added to the message. Consequently, Iyer fails to teach or even suggest the limitations of claim 10. For at least these additional reasons, Applicant respectfully submits that claim 10 is allowable over the cited art.

Claim 18 has been amended to include limitations similar to those of claim 1. Accordingly, claim 18 is allowable over the cited art for the reasons given above with regard to claim 1.

Claims 19, 21-23, and 27 depend from claim 18 and are therefore also allowable for much the same reasons as claim 18.

Claim 27 includes limitations similar to those of claim 10, and is allowable for the additional reasons given with regard to claim 10.

Claim 35 has been amended to include the computing device limitations explained with regard to claim 1, and to recite, "a response to the message contains context information needed to restore a pre-switchover context of the layer." Support for the amendment can be found at least at page 10, line 30 to page 11, line 2 of the specification. Iyer fails to teach or even suggest a response containing such information." For at least this reason, and the reasons given with regard to the similar limitations of claim 1, Applicant respectfully submits that claim 35 is allowable over the cited art.

Independent claim 11 has been amended. Like claim 1, some amendments indicate the operations of the method are performed by a computing device. Claim 11 requires "receiving a message." The Examiner cites Iyer ¶ [0054] as teaching these limitations. However, as explained by the Examiner (Office Action, p. 5), the cited location teaches detection of a switchover. Such detection does not suggest "receiving a message" as required by claim 11.

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Claim 11 also requires “determining . . . whether the context information of the layer is to be restored.” The Examiner cites Iyer ¶ [0051] as teaching these limitations. Iyer ¶ [0051] teaches application of the connect operation to the active and/or standby sides. The connect operation is not related to determining whether the context information of a layer should be restored. Iyer does not teach or suggest restoring context, but rather teaches switching to the standby side, which uses whatever context it has at switchover.

Claim 11 further requires “restoring the context of the layer.” As explained above, Iyer does not teach or even suggest “restoring the context of the layer,” but rather teaches using a standby system in whatever state the system stands at switchover.

The Examiner admits Iyer² fails to teach “where it is so determined [that context should be restored], determining the presence of context information relevant to the layer within the message” and “restoring . . . using context information from the message.” (Office Action, p. 6). The Examiner suggests the cookie and the association of the sockets make these limitations obvious. *Id.* However, an identifying cookie is not and in no way suggests context information relevant to the layer as required by claim 11 or using such information to restore the layer as required by claim 11. Thus, the context and restoration cannot be obvious based on the cookie and association. Moreover, the Examiner has not explained how “determining the presence” is based on “determining whether the context information of the layer is to be restored” as required by claim 11.

For at least these reasons, Applicant respectfully submits that claim 11, and claims 12-14 depending therefrom are allowable over the cited art.

² The Examiner stated “Lau does not explicitly disclose.” (Office Action, p. 6) Applicant assumes the Examiner intended Iyer because the Examiner rejected claim 11 only over Iyer. (Office Action, p. 4).

Claims 28 and 36 includes limitations similar to those of claim 11 and are allowable for the same reasons as claim 11. Claims 29-31 depend from claim 28 are therefore also allowable for much the same reasons as claim 28.

IV. REJECTIONS UNDER 35 U.S.C. § 103 OVER IYER AND LAU OR VASAVADA

Claims 3 and 7-19 depend from claim 1. Neither Lau nor Vasavada satisfies the deficiencies of Iyer. Accordingly, claims 3 and 7-19 depend from a non-obvious base claim and are allowable for much the same reasons as claim 1.

Claims 15-17 depend from claim 11. Neither Lau nor Vasavada satisfies the deficiencies of Iyer. Accordingly, claims 15-17 depend from a non-obvious base claim and are allowable for much the same reasons as claim 11.

Claims 20 and 24-26 depend from claim 18. Neither Lau nor Vasavada satisfies the deficiencies of Iyer. Accordingly, claims 20 and 24-26 depend from a non-obvious base claim and are allowable for much the same reasons as claim 18.

Claims 32-34 depend from claim 28. Neither Lau nor Vasavada satisfies the deficiencies of Iyer. Accordingly, claims 32-34 depend from a non-obvious base claim and are allowable for much the same reasons as claim 28.

V. CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of

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time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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